

Order

Michigan Supreme Court
Lansing, Michigan

November 28, 2005

Clifford W. Taylor,
Chief Justice

128161

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 128161
COA: 250000
Oakland CC: 02-183044-FH

RAYMOND A. MCCULLER,
Defendant-Appellant.

By order of September 15, 2005, the application for leave to appeal the January 11, 2005 judgment of the Court of Appeals was held in abeyance pending the decision in *People v Drohan* (Docket No. 127489). On order of the Court, the application having been given further consideration, we direct the Clerk to schedule oral argument on whether to grant the application or take other peremptory action permitted by MCR 7.302(G)(1). The parties shall file supplemental briefs within 28 days of the date of this order addressing the effect, if any, of *Blakely v Washington*, 542 US 296; 124 S Ct 2531; 159 L Ed 2d 403 (2004), on the prison sentence imposed in this case. The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae on the intermediate sanction cell issue by January 4, 2006.



d1122

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 28, 2005

Corbin R. Davis

Clerk